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S E C R E T SECTION 01 OF 03 ASTANA 002450

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SUBJECT: KAZAKHSTAN: PRESIDENTIAL ADMINISTRATION HEAD
RAISES CONCERNS ABOUT RAKHAT ALIYEV

REF: ASTANA 2445

Classified By: Ambassador Richard Hoagland, Reasons 1.4 (b) and (d)

1. (S) SUMMARY: President Administration head Aslan Musin called in the Ambassador on December 10 to discuss Rakhat Aliyev, expressing concerns about international press reporting on the Aliyev case and explaining he had information that Aliyev might be seeking American citizenship or U.S. political asylum. The Ambassador said he had no knowledge of any such citizenship or asylum claim, and reassured Musin that the U.S. government does not support Aliyev and has no contact with him. Musin expressed satisfaction with the Ambassador's response, but emphasized that Aliyev poses a big political problem for the government: as long as he remains at large, the government has failed to bring justice to his victims. Musin said Kazakhstan must do more to try to get him extradited and indicated he would welcome more cooperation with the United States on this issue. The Ambassador raised U.S. concerns about the pending religion law, suggesting that President Nazarbayev consider sending it to the Constitutional Council for review. Musin said the Constitutional Council option remains on the table. He promised Kazakhstan would not damage its international reputation with "one signature" and that the "optimal course of action" would be found. Presidential Foreign Policy Advisor Yerzhan Kazykhanov, who also attended the meeting, told the Ambassador that the Cooperative Threat Reduction (CTR) agreement would be submitted to Parliament for ratification within days. END SUMMARY.

ALIYEV: CONCERNS ABOUT U.S. CITIZENSHIP/ASYLUM CLAIMS

2. (S) Presidential Administration head Aslan Musin called in the Ambassador on December 10 to discuss President Nazarbayev's former son-in-law Rakhat Aliyev. Musin said he understood the Ambassador and Kazakhstani Ambassador to the United States Yerlan Idrisov had discussed Aliyev during a December 5 meeting in Washington (reftel). The Aliyev case, Musin noted, is receiving a lot of attention in the international press, including in a December 3 "Washington Times" article. He claimed that he was not questioning anyone's right, including Aliyev's, to express his point of view, or a newspaper's right to publish articles about Aliyev -- however, "government officials have to bear responsibility for their policies." Patting an inch-thick file he'd brought

into the meeting, Musin asked the Ambassador whether the United States has sufficient information about the crimes Aliyev committed and said he had been informed that Aliyev, through his attorneys, "is actively working with government structures in the United States" to try to get U.S. citizenship or political asylum.

13. (S) The Ambassador responded that a frank and open dialogue is the key to ensuring that Aliyev is not an irritant in the bilateral relationship. The United States, he stressed, considers the Aliyev case to be an internal Kazakhstani issue. The U.S. government has never supported Aliyev and has no plans to do so. No one from any agency of the U.S. government is in touch with Aliyev. The Ambassador said he had heard nothing from anyone in or out of the U.S. government Aliyev might be seeking U.S. citizenship or political asylum. If the Kazakhstani government has information on Aliyev's alleged crimes, he would be happy to pass this information to Washington, the Ambassador added. (COMMENT: During the Ambassador's response, Musin was called out of the room to take a call allegedly from President Nazarbayev. Although the call might have been coincidental, it struck us as a bit of theater to emphasize "interest at the highest level." END COMMENT.)

14. (S) Musin thanked the Ambassador, stressing that he was "very satisfied" with the response. He noted that this was the first time he had discussed Aliyev with the Ambassador and claimed the initiative to do so was his own. Musin said he had studied materials from the Aliyev case and the court decisions, and had spoken to Aliyev's victims -- "some of

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them just ordinary citizens" -- and was "shocked" that "such a person" could have held a high-ranking government position. "When I talked to the father of one of the missing bankers" -- i.e., one of the two bankers Aliyev was convicted in absentia of kidnapping and who are presumed dead -- "he said he doesn't trust anyone anymore because so much time has passed and he doesn't know his son's fate," Musin related. "It's beyond any normal comprehension that Aliyev has been tried and convicted and yet he is at liberty in Vienna, traveling around the world, and publishing his materials," Musin continued. "How can we explain this to the victims?," he asked. According to Musin, the most important issue is not Aliyev's revelations of private government matters or state secrets, but rather the trust of common citizens in their government. The government can not remain indifferent to what Aliyev is doing, including his public relations campaign, Musin argued. Government officials, procurators, and judges need to work more actively to get Aliyev extradited to Kazakhstan. Kazakhstan would welcome more cooperation with the United States on this issue, Musin concluded.

15. (C) Later in the day, the Ambassador attended President Nazarbayev's annual meeting with the diplomatic corps. At the end of the event, the President was standing aside with his most senior advisers, including Musin, and asked for a word with the Ambassador. After small talk, including praise for the election of Barak Obama, the President said, gesturing toward Musin, "He told me about your meeting. Perhaps you and I should talk soon." The Ambassador responded he would be delighted to meet with him at his earliest convenience.

16. (S) COMMENT: As we have reported separately, the Aliyev issue has already impacted sensitive elements of the bilateral relationship. Two points: 1) it is not inconceivable that Kazakhstan is receiving disinformation seeking to harm the bilateral relationship that Aliyev is negotiating secretly with the United States for political asylum. 2) We must remain adamant that Aliyev is a Kazakhstani affair and we have no dog in that fight, even though Nazarbayev seems to think we could help if we wanted to. END COMMENT.

RELIGION LAW: "OPTIMAL COURSE OF ACTION" PROMISED

¶7. (C) The Ambassador raised the pending religion legislation, explaining that Washington and European capitals are concerned it would limit the rights of smaller religious groups. He suggested that President Nazarbayev consider submitting the bill parliament has passed to the Constitutional Council for review. Musin responded that the Kazakhstani government understands our concerns. He noted that Nazarbayev has 30 days to take action on legislation following parliamentary approval. (NOTE: Since parliament passed the religion law on November 26, this means that Nazarbayev must act by December 26. END NOTE.) Presidential Administration lawyers, Musin explained, are carefully reviewing the religion law and comments about it made by NGOs, foreign governments, and international organizations. Various options remain on the table, including Constitutional Council review. The Presidential Administration has reasonable people who are not going to take precipitous action. Kazakhstan, Musin argued, has built up its international reputation over its 17 years of independence, and is not going to damage that reputation "through one signature." In the end, the government will come up with the "optimal course of action," he reassured the Ambassador.

CTR AGREEMENT: SUBMISSION TO PARLIAMENT WITHIN DAYS

¶8. (SBU) The Ambassador asked Presidential Foreign Policy Advisor Yerzhan Kazykhanov, who was also in the meeting, about the status of ratification of the Cooperative Threat Reduction (CTR) agreement. Kazykhanov said that the ratification package is the Cabinet of Ministers, awaiting final approval. He expected it would be submitted to

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Parliament within days.
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